

Town Board Minutes

April 3, 2023

Meeting No. 6

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of April 2023 at 7:00 P.M. and there were

PRESENT: MARK BURKARD, COUNCIL MEMBER
ADAM DICKMAN, COUNCIL MEMBER
ROBERT LEARY, COUNCIL MEMBER
DAVID MAZUR, COUNCIL MEMBER
RONALD RUFFINO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
THOMAS FOWLER, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
WILLIAM KARN, CHIEF OF POLICE
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

EXECUTIVE SESSION:

AT 8:12 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER BURKARD, SECONDED BY COUNCIL MEMBER MAZUR, for the purpose of entering into an Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and the proposed pending or current litigation.

The question of entering into an Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

At 8:36 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

MOTION WAS MADE BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER BURKARD, to close the Executive Session.

The question of closing the Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

PERSONS ADDRESSING TOWN BOARD:

Anonymous Speaker, spoke to the Town Board on the following matter:

- Comments on signage inside the Public Safety Building.

Haniszewski, Dennis, spoke to the Town Board on the following matters:

- Thanked the Town Board for their assistance with his Salvage Yard Permit.
- Spoke about the Lancaster Police Department and their help.

Lemaster, Kevin, spoke to the Town Board on the following matter:

- Spoke about replacing a member of the Lancaster Industrial Development Agency.

McNichol, Shannon, spoke to the Town Board on the following matter:

- Spoke about being a member of the Lancaster Industrial Development Agency.

Nosbisch Jr., Paul, spoke to the Town Board on the following matters:

- Spoke on the importance of attendance at meetings.
- Comments regarding replacing a Lancaster Industrial Development Agency member.
- Commented on the trust of the Police Department officers.

Ruda, Lynne, spoke to the Town Board on the following matter:

- Comments regarding replacing a Lancaster Industrial Development Agency member.

Sweeney, Tom, Representative for the Community Development Agency, spoke to the Town Board on the following matter:

- Commented on an award ceremony and invited the Town Board to attend.

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
March 20, 2023 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Supervisor’s Office, to wit:

Check Run #04032023

Total amount hereby authorized to be paid: \$855,614.55

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:
(SW) = Sidewalks as required by Chapter 310 of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

Pmt #	SW Village	Applicant Name	Address	STRUCTURE	
20227931		Brian Tolliver	78 Carter St	Er. Fence	(V/L)
20228275		James George	1/4 Sawgrass Ln	Er. Shed	
20228278		James George	1/4 Sawgrass Ln	Er. Fence	
20228390		Joseph Canella	503 Pleasant View Dr	Er. Res. Alt.	
20228486		JMA Remodeling	94 Avian Way	Er. Res. Add.	
20228665		Irish Jones Contracting LLC	23 Legion Pky	Er. Res. Alt.	(V/L)
20238793		Cortese Brothers Construction	45 Quincy Ave	Er. Deck	(V/L)
20238815		Creative Remodeling Services	72 Albert Dr	Er. Res. Alt.	(V/L)
20238833		Buffalo Modular Homes	663 Aurora St	Er. Dwlg.-Sin.	
20238839		Lake FX Properties LLC	1996 Como Park Blvd	Er. Res. Alt.	(V/L)
20238840		Colley's Pool Sales Inc.	13 Red Clover Ln	Er. Pool-In Grnd	
20238841		Colley's Pool Sales Inc.	13 Red Clover Ln	Er. Fence	
20238845		First Buffalo Total Basement	11 Mary Rachel Pl	Er. Res. Alt.	
20238846		First Buffalo Total Basement	43 Deepwood Pl	Er. Res. Alt.	
20238847		First Buffalo Total Basement	40 Avian Way	Er. Res. Alt.	
20238848		Guardian Fence of WNY, Inc.	10 Stone Hedge Dr	Er. Fence	
20238849		John Logal	53 E Home Rd	Er. Shed	
20238850		Mark Soda	44 Lake Forest Pky E	Inst. Solar Panels	
20238852		Graves Bros. Inc.	28 Country Pl	Re-Roof	
20238856		Anderson Water Systems, Inc.	19 Sedge Run	Inst. Generator	
20238857		Gen-Tech Power Systems LLC	9 Regency Ct	Inst. Generator	
20238858		Creekside Electric LLC	7 Trentwood Trl	Inst. Generator	
20238861		Tuff Shed, Inc.	23 Carter St	Er. Shed	(V/L)
20238864		Five Star Roofing	6375 Genesee St	Re-Roof	
20238865		Five Star Roofing	126 Irwinwood Rd	Re-Roof	(V/L)
20238867		Rich Pools	6143 Broadway	Er. Pool-Abv Grnd	
20238869		Property Care & Enhancements	204 Schwartz Rd	Er. Res. Alt.	
20238870		Chameleon/JES Operations	2 Overlook Ct	Er. Pool-In Grnd	
20238871		The KAZ Company	16 Heritage Dr	Re-Roof	
20238872		Sitzmans Appliance Center	39 Deepwood Pl	Inst. Generator	
20238873		Marc Schlegel	44 Christen Ct	Dumpster - Temp.	(V/L)
20238875		Kulback's Inc.	6061 Broadway	Er. Comm. Add./Alt.	
20238876		R2M2 LLC	41 School St	Dumpster - Temp.	(V/L)
20238879		Rock Hard Fence	111 William Kidder Rd	Er. Fence	
20238881		Happliarino Properties LLC	112 Court St	Dem. Garage	(V/L)
20238882		Expert Contracting	46 Woodlawn Ave	Re-Roof	(V/L)
20238883		Castle Home Improvements	43 Schlemmer Rd	Re-Roof	
20238884		Irwin Roofing	3893 Walden Ave	Re-Roof	
20238885		Gen-Tech Power Systems LLC	26 Taft Ave	Inst. Generator	
20238886		Gen-Tech Power Systems LLC	70 Fourth Ave	Inst. Generator	(V/L)
20238888		Transit-William Associates LLC	4931 Transit Rd	Er. Sign - Temp	
20238889		Rita Krebs	81 Aurora St	Er. Shed	(V/L)
20238890		Eric Roland	44 Michael Anthony Ln	Er. Fence	
20238894		Kamholz Enterprises, LLC	3 Harewood Run	Er. Deck	
20238895		Sahlems Roofing & Siding Inc.	343 Ransom Rd	Re-Roof	
20238897		Rich Pools	1/4 Sawgrass Ln	Er. Pool-Abv Grnd	
20238900		Richard Wujek	42 Gordon Ave	Er. Fence	(V/L)
20238901		Scott Doherty	20 Ravenwood Dr	Er. Shed	
20238902		Buscaglia Decks	10 Stony Brook Dr	Er. Deck	
20238903		John Logal	53E Home Rd	Re-Roof	

20238912	City Fence	37 Southpoint Dr	Er. Fence
20238913	Philip Georger	14 Arrow Trl	Er. Fence

NOW, THEREFORE,

BE IT RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, the Consolidated Water District of the Town of Lancaster maintains hydrants along the westerly line of Town Line Road from Schlemmer Road south to the south boundary line of the Town of Alden, and

WHEREAS, the Town of Alden Fire Protection District has heretofore contracted with the Consolidated Water District of the Town of Lancaster for the use of said hydrants, and

WHEREAS, the Town Board of the Town of Alden has duly held a public hearing on behalf of the Alden Fire Protection District to contract with the Consolidated Water District of the Town of Lancaster for the said hydrants in accordance with the Agreement prepared by the Town Attorney and which has been approved by the Town Board of the Town of Alden on March 20, 2023.

NOW, THEREFORE,
BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute an Agreement by and between the Town of Alden on behalf of the Alden Fire Protection District, and the Consolidated Water District of the Town of Lancaster, providing for rental of forty-eight (48) hydrants along the westerly line of Town Line Road from Schlemmer Road south to the south boundary line of the Town of Alden, commencing April 1, 2023 and terminating March 31, 2028, all in accordance with the terms of said Agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has held a public hearing on March 20, 2023, pursuant to Chapter 400-Zoning, Administration and Enforcement, Section 400-78 of the Code of the Town of Lancaster entitled Special Use Permits, upon the application of **Purple Acquisitions, LLC, dba Take 5 Oil, by Alex Deitch, Designee of Thomas Manko**, property owner to use the existing building located at 4885 Transit Road (SBL#115.03-1-44.2), as automotive oil change facility within the Village of Depew, Town of Lancaster, Erie County, State of New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard, and

WHEREAS, Matt Fischione, Code Enforcement Officer of the Town of Lancaster, has inspected the facility, and found the building to be currently vacant with no significant violations.

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to Chapter 400-Zoning, Article VI, Commercial Districts, Section 400-18, and 400-78 of the Code of the Town of Lancaster, Chapter 400-18B(1)(a), in the Village of Depew, Town of Lancaster, New York, does hereby grant **Purple Acquisitions, LLC, dba Take 5 Oil, by Alex Deitch, Designee of Thomas Manko** a Special Use Permit to operate an automotive oil change facility on premises located at 4885 Transit Road (SBL# 115.03-1-44.2) within the Village of Depew, Town of Lancaster, Erie County, State of New York, upon the conditions as set forth in the Zoning Ordinance and the following conditions for the period beginning April 3, 2023 and ending April 2, 2025:

1. Obtain an Operational Permit from the Building and Zoning Department upon the Business occupying the space to ensure Fire Safety and Property Maintenance compliance.
2. The LED message sign must be programmed for stagnant messages at eight (8) second intervals. Failure to maintain will require the removal of the device upon notification by the Town Board after prescriptive proceedings, if warranted.
3. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner applying to the Town Clerk, on or before April 3, 2025.
4. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
5. Applicant will obtain and provide proof of a valid New York State Business License from the appropriate regulatory agency for the service being provided.
6. Business must operate within all confines of the Town of Lancaster's Noise

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, Kevin Heist, owner of **ELITE AESTHETICS DETAIL, LLC AUTOMOTIVE DETAIL SHOP** has submitted an application for a Special Use Permit to use the existing building located at 515 Pavement Road, Suite 9, Lancaster, New York (SBL# 94.00-3-15.22), as permitted in the LI (Light Industrial) Zoning District, and in accordance with provisions of Chapter 400-46 of the Code of the Town of Lancaster, and

WHEREAS, Chapter 400-Zoning, Article XIV Administration and enforcement, Section 400-78 Special Use Permits of the Zoning Code of the Town of Lancaster requires that the Town Board conduct a public hearing before the issuance of a Special Use Permit for the proposed use.

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to the Chapter 400-78 Special Use Permits of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for Kevin Heist, owner of **ELITE AESTHETICS DETAIL, LLC AUTOMOTIVE DETAIL SHOP** to use the existing building located at 515 Pavement Road, Suite 9, Lancaster, New York (SBL# 94.00-3-15.22), to operate an Automotive Detail Facility will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of April, 2023, at 7:05 PM, Local Time, and that Notice of time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

LEGAL NOTICE
PUBLIC HEARING - SPECIAL USE PERMIT
ELITE AESTHETICS DETAIL, LLC AUTOMOTIVE DETAIL SHOP
515 PAVEMENT ROAD, SUITE 9, LANCASTER, NEW YORK

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 400-Zoning, Section 78 “Special Use Permits” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 3rd day of April, 2023 the said Town Board will hold a Public Hearing on the 17th day of April, 2023, at 7:05 o’clock PM, Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons on the application of Kevin Heist, owner of **ELITE AESTHETICS DETAIL, LLC AUTOMOTIVE DETAIL SHOP**, to operate an Automotive Detail Facility at the existing building located at 515 Pavement Road, Suite 9 (SBL#94.00-3-15.22) in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: DIANE M. TERRANOVA
Town Clerk

April 6, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster previously held a public hearing pursuant to §400-78 Special use permits of the Code of the Town of Lancaster, upon the application of **Isaac Barnhill**, Licensing Coordinator for **7-Eleven, Inc.**, for a Special Use Permit to operate a convenience store with gas station and car wash on premises located at 4949 Transit Road (SBL No. 115.03-1-49.11) in Village of Depew, Town of Lancaster, Erie County, State of New York, and the Town Board issued such Special Use Permit on April 18, 2022, for a one (1) year period, and

WHEREAS, by letter March 6, 2023, Isaac Barnhill has requested that the Town Board renew the Special Use Permit for an additional one (1) year term, and

WHEREAS, Matt Fischione, Town Code Enforcement Officer, has inspected the property and found it to be in compliance with Site Plan and prior Special Use Permit approval conditions, and with §400-18 of the Lancaster Town Code per his letter dated March 9, 2023.

NOW THEREFORE,
BE IT RESOLVED, as follows:

1. That pursuant to Chapter 400-Zoning, Article V Commercial Districts, Section 18 (B)(1)(f), General Commercial (GC), Permitted uses of the code of the Town of Lancaster, the Town Board does hereby grant the Special Use Permit renewal to **Isaac Barnhill**, Licensing coordinator for **7-Eleven, Inc** to operate a convenience store with gas station and car wash on premises located at 4949 Transit Road (SBL No. 115.03-1-49.11), in the Village of Depew, in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning April 18, 2023 and ending April 17, 2024.

2. That the applicant will continue in compliance with conditions as set forth in §400-18 General Commercial District, §400-19 Supplementary regulations for LI & GC Districts, and §400-78 Special use permits, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in the occupation listed above on the premises namely:

- A. Renewal of this permit annually until ongoing deficiencies are regularly maintained at no cost to the applicant. Renewal request is considered upon the property owner submitting a written request to the Town Clerk, on or before April 17, 2024.
- B. The applicant will authorize representatives from the Building Inspector’s Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 400-Zoning, Article XIV-Administration and Enforcement, Section 78 of the Code of the Town of Lancaster, upon the application of **Igor Los**, for a Special Use Permit for three (3) bay truck and trailer repair shop and small office known as **Autowave, Inc.**, on premises located at 1035 Ransom Road, in the Town of Lancaster, New York, and the Board issued such Special Use Permit on May 15, 2017, which is subject to renewal bi-annually upon application by the property owner; and

WHEREAS, by letter dated March 17, 2023, Igor Los, President of Autowave, Inc., has requested that the town Board renew the Special Use Permit for an additional two (2) year period; and

WHEREAS, the Code Enforcement Officer has recommended the approval of this Special Use Permit renewal in his letter dated March 20, 2023.

**NOW, THEREFORE,
BE IT RESOLVED,**

1. That pursuant to Chapter 400-Zoning, Section 20(b)(n) entitled “Light Industrial District (LI) of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit Renewal to **Igor Los**, for **Autowave, Inc.**, for a three (3) bay truck and trailer repair shop and small office on premises located at 1035 Ransom Road in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning May 15, 2023 and ending May 15, 2025; and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 400, Article VI, Section 400-22. Regulations applying to All districts, and Article XIV-Administration and Enforcement, Section 78- Special Use Permits of the Code of the Town of Lancaster, and to any additional conditions listed herein namely:

- A. Must comply with Town Code Noise Ordinance.
- B. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner submitting a request in writing to the Town Clerk, on or before May 14, 2025.
- C. Applicant will authorize representatives from the Building Inspector’s Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- D. Applicant to provide a copy of their business’ New York State Tax Employer Identification Number and, where required, a copy of a valid State License issued by the appropriate regulatory agency for the service being provided.
- E. This Special Use Permit terminates when the applicant no longer owns the business.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

PREFILED RESOLUTION NO 9 – MEETING OF 4/3/2023

9. Mazur/_____Authorize Special Use Permit: AC Power 14, LLC (Renewal)

At the request of Council Member Mazur, this resolution was tabled for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Twin District Volunteer Fire Company, Inc., by letter
received March 27, 2023, has requested the addition of the following member to the roster of
said fire association.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the addition to the membership of the Twin District Volunteer Fire Company the
following individual:

ADDITION:

Steven Rozler

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Jack Jezioro, owner of **Back Home and Yard Services, LLC**, has submitted an application for a Special Use Permit to use the existing building located at 515 Pavement Road, Suite 12, Lancaster, New York (SBL# 94.00-3-15.22), as a Storage Building as permitted in the LI (Light Industrial) Zoning District, in accordance with provisions of Chapter 400-20 LI (Light Industrial) and Chapter 400-28 Off-street parking, loading and stacking facilities of the Code of the Town of Lancaster, and

WHEREAS, Chapter 400-Zoning, Article XIV Administration and enforcement, Section 400-78 Special use Permits of the Zoning Code of the Town of Lancaster requires that the Town Board conduct a public hearing before the issuance of a special use permit for the proposed use.

NOW, THEREFORE,
BE IT RESOLVED, that pursuant to the Chapter 400-78 Special Use Permits of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for **Jack Jezioro**, owner of **Back Home and Yard Services, LLC**, to use the existing building located at 515 Pavement Road, Suite 12, Lancaster, New York (SBL# 94.00-3-15.22 as a storage facility will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of April, 2023, at 7:05 PM, Local Time, and that Notice of time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

LEGAL NOTICE
PUBLIC HEARING - SPECIAL USE PERMIT
BACK HOME AND YARD SERVICES, LLC
515 PAVEMENT ROAD, SUITE 12, LANCASTER, NEW YORK

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 400-Zoning, Section 78 “Special Use Permits” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 3rd day of April, 2023 the said Town Board will hold a Public Hearing on the 17th day of April, 2023, at 7:05 o’clock PM, Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons on the application of **Jack Jezioro**, owner of **BACK HOME AND YARD SERVICES LLC**, to operate Storage Facility at the existing building located at 515 Pavement Road, Suite 12 (SBL# 94.00-3-15.22) in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: DIANE M. TERRANOVA
Town Clerk

April 6, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, Edward Schiller, of Wm. Schutt Associates, P.C., the Town of Lancaster’s consulting engineers, by letter dated March 27, 2023, has requested that the Town Board authorize an invitation to bid for Opera House HVAC Improvements, 21 Central Avenue, within the Town of Lancaster, and

WHEREAS, the Town Board has given due review and consideration to the request for HVAC Improvements for the Opera House and deems it in the public interest to invite public bids in conformance with General Municipal Law Section 103 of the State of New York.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bids for the Opera House HVAC Improvements, said bids are to be in conformance with the plans and specifications which are available at the office of Wm. Schutt Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on April 26, 2023, and opened thereafter.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

NOTICE TO BIDDERS

TOWN OF LANCASTER
ERIE COUNTY, NEW YORK

OPERA HOUSE
HVAC IMPROVEMENTS
21 CENTRAL AVENUE

General Notice

The Town of Lancaster is requesting Bids for the construction of the following Project:
Opera House HVAC Improvements
21 Central Avenue

Bids for the construction of the Project will be received at the office of the Town Clerk, 21 Central Avenue, Lancaster, New York 14086 until April 26, 2023 at 10:00 AM local time. At that time the Bids received will be publicly opened and read.

The Project consists of the installation of five (5) horizontal air handlers with remote outdoor condensing units at the Opera House at 21 Central Avenue in the Town of Lancaster.

Obtaining the Bidding Documents

The Issuing Office for the Bidding Documents is Avalon Document Services,
www.avalonplanroom.com.

Prospective Bidders may examine the Bidding Documents at the Issuing Office or at the offices of Wm. Schutt Associates, Construction Exchange of Buffalo and WNY, or Dodge Reports. Copies of the Bidding Documents may be obtained from the Issuing Office as described below. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including addenda, if any, obtained from sources other than the Issuing Office.

Beginning at 9:00 AM, on April 6, 2023, if bidders wish to purchase printed copies of the Contract Documents, they must be obtained through Avalon Document Services. The fee paid to Avalon is nonrefundable. Only official plan holders will be allowed to bid on the project. Bidders acknowledge that they are responsible for review of all components of the Contract Documents, including all specification sections and drawings, regardless of how many drawings they print and in which format/size they are printed.

Instructions to Bidders.

For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

This Advertisement is issued by:

Owner: Town of Lancaster, New York
By: Diane Terranova
Title: Town Clerk
Date: April 6, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, by letter dated March 27, 2023, Edward Schiller, PE, the Director of Municipal Projects for the Town of Lancaster, has requested the Town Board approve expenditures for emergency replacement of the soffit at the front of the Town Hall Building, located at 21 Central Avenue, Lancaster, so an investigation and repair design can start immediately, and

WHEREAS, by letter dated March 27, 2023, Edward Schiller, PE, has recommended that the Town of Lancaster authorize said expenditures to Kideney Architects, 134 Genesee Street, Buffalo, New York 14203, to inspect and provide temporary measures for the soffit in an amount to be billed on an hourly basis in accordance with the need to test for lead (in the paint) and asbestos (in the caulk), and

WHEREAS, there will be an additional cost for a lift rental necessary to reach the work area in an amount not to exceed Two Thousand Four Hundred Dollars (\$2,400.00), and

WHEREAS, this project will be paid for with funds from Account 01-1620-0426, Building Repairs and Maintenance.

NOW, THEREFORE,

BE IT RESOLVED, The Town Board of the Town of Lancaster hereby approves the expenditure of funds as requested to Kideney Architects, 134 Genesee Street, Buffalo, New York 14203, to inspect and provide temporary measures for the soffit in an amount to be billed on an hourly basis in accordance with the need to test for lead (in the paint) and asbestos (in the caulk) to be paid for with funds allocated in Account 01-1620-0426, Building Repairs and Maintenance, and

BE IT FURTHER,

RESOLVED, the Town Board of the Town of Lancaster hereby approves an additional expenditure for a lift rental necessary to reach the work area in an amount not to exceed Two Thousand Four Hundred Dollars (\$2,400.00) to be paid for with funds allocated in Account 01-1620-0426, Building Repairs and Maintenance.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 867 Ransom Road within the Town of Lancaster, pursuant to Chapter 275-10 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Senior Town of Lancaster Code Enforcement Officer, by letter dated March 21, 2023, has notified the Town Board that he has completed his review and reports that the property is out of compliance with Town Code Chapter 275-6 General Provisions, to wit:

- 1. The salvage yard shall be completely surrounded with a fence, the type and height of which shall be such, in the opinion of the Town Board, will substantially screen the salvage yard operation on all sides thereof.
- 2. All motor vehicles and parts, and scrap thereof, stored or deposited at the salvage yard shall be kept within the enclosure of the salvage yard, except as removal shall be necessary for the transportation of same in the reasonable course of business, and

WHEREAS, pursuant to Town Code Chapter 275-11 Renewal Hearing, a Public Hearing was held on March 20, 2023, and

WHEREAS, it is the recommendation of the Senior Town of Lancaster Code Enforcement Officer that Ransom Auto Parts, Inc., be issued a one-time six-month probationary license renewal within which time the Applicant must remedy all deficiencies, and

WHEREAS, it is the recommendation of the Senior Town of Lancaster Code Enforcement Officer that failure to complete the remedies in the allotted timeframe shall result in a forfeiture of License and lead to decommissioning of the facility in compliance with all regulatory agency requirements.

NOW, THEREFORE,
BE IT RESOLVED, that Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York, be and hereby is authorized to conduct a salvage yard on premises situate at 867 Ransom Road, Lancaster, New York, for a probationary period between April 3, 2023 to October 2, 2023, in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

BE IT FURTHER,
RESOLVED, that failure to remedy all non-compliant deficiencies cited by the Town of Lancaster or any other regulatory agency before October 2, 2023 shall result in license forfeiture and decommissioning of the facility.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board is considering the proposed construction of five 2-story, 10-unit apartment buildings, including a stormwater management system, utility improvements, 111 parking spaces, and 50 garage spaces, as submitted by Bryan Young of Young Development, on a 4.72 acre parcel located at 6026 Broadway, in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on March 15, 2023, and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the renovation project, using the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

WHEREAS, the proposed action has been labeled an “Unlisted” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED, by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board’s thorough and careful review the proposed construction of five 2-story, 10-unit apartment buildings, including a stormwater management system, utility improvements, 111 parking spaces, and 50 garage spaces, as submitted by Bryan Young of Young Development, on a 4.72 acre parcel located at 6026 Broadway, in the Town of Lancaster, Erie County, New York (SBL No.116.00-2-11.1), will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney’s Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: April 3, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed site plan in furtherance of Project Number 2117 located at 6026 Broadway, Lancaster, New York 14086 with SBL # 116.00-2-11.1. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Edgewater East – 6026 Broadway

Location of Action: 6026 Broadway, Lancaster, Erie County, New York 14086 with SBL # 116.00-2-11.

SEQR Status: Unlisted

Description of Action: Construction of five 2-story, 10-unit apartment buildings, the construction of which will also include a stormwater management system, utility improvements, 111 parking spaces, 50 garage spaces, affecting 4.72 acres of land.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Impact on land - **No impact.**
2. Impact on Geological Features – **No impact.**
3. Impacts on Surface Water – **No impact.**
4. Impact on Groundwater – **No impact.**
5. Impact on Flooding – **No impact.**
6. Impact on Air – **No impact.**
7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**
9. Impact on Aesthetic Resources – **No impact.**
10. Impact on Historic and Archeological Resources – **No impact.**
11. Impact on Open Space and Recreation – **No impact.**
12. Impact on Critical Environmental Areas – **N/A**

- **The Town of Lancaster has not established a Critical Environmental Area (CEA).**

- 13. Impact on Transportation – No impact.**
- 14. Impact on Energy – No impact.**
- 15. Impact on Noise, Odor and Light – No impact.**
- 16. Impact on Human Health – No impact.**
- 17. Consistency with Community Plans – No impact**
- 18. Consistency with Community Character – No impact.**

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 601-0704

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, the Village of Lancaster Mayor, Lynne T. Ruda, has requested that a Town of Lancaster Police Captain be present at pre-scheduled Village Board meetings and occasional special meetings when requested by a Village Board member or Village Clerk, to address potential security issues and provide information relating to policing matters, and

WHEREAS, the Village of Lancaster has prepared an Intermunicipal Cooperation Agreement specifying the terms and conditions for said request which has been reviewed and approved by the Chief of Police and the Town Attorney, and

WHEREAS, compensation to the Town for a Captain’s attendance at pre-scheduled and special Village Board meetings will be made in the amount of reimbursable expenses incurred pursuant to the terms and conditions of a proposed agreement between the Town and the Village, as presented.

NOW, THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Lancaster hereby approves the Intermunicipal Cooperation Agreement between the Town of Lancaster and the Village of Lancaster, as presented, allowing a Town of Lancaster Police Captain to attend pre-scheduled Village Board meetings and when requested by a Village Board member or Village Clerk, special Village Board meetings, and

BE IT FURTHER,

RESOLVED, the Village shall reimburse the Town for expenses incurred pursuant to the terms of the proposed agreement as presented, and

BE IT FURTHER,

RESOLVED, the prior agreement between the parties is hereby deemed rescinded upon execution of the new agreement by both parties, and

BE IT FURTHER,

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute this agreement which shall take effect immediately and shall remain in effect until such time as either party terminates according to the terms of the agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, the Town Board is considering the proposed development of a parcel involving approximately 5.56 acres, project being a mixed use of apartments and retail with 4.5 acre physically disturbed area, located at 5428 Genesee Street (SBL# 82.19-3-1.111), in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on March 15, 2023, and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the renovation project, using the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

WHEREAS, the proposed action has been labeled a “Unlisted” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED, by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board’s thorough and careful review of the proposed development of a parcel involving approximately 5.56 acres, project being a mixed use of apartments and retail with 4.5 acre physically disturbed area, located at 5428 Genesee Street (SBL# 82.19-3-1.111), in the Town of Lancaster, Erie County, New York, will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: April 3, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed the proposed development of a parcel involving approximately 5.56 acres, project being a mixed use of apartments and retail with 4.5 acre physically disturbed area, located at 5428 Genesee Street (SBL# 82.19-3-1.111), in the Town of Lancaster, Erie County, New York. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Genesee Park Lane Development

Location of Action: 5428 Genesee Street (SBL# 82.19-3-1.111), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted Action

Description of Action: Development of a parcel involving approximately 5.56 acres, project being a mixed use of apartments and retail with 4.5 acre physically disturbed area

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

- | | | |
|----|---|-------------------|
| 1. | Impact on land use or zoning | No impact. |
| 2. | Change in land use or intensity | No impact. |
| 3. | Character of community | No impact. |
| 4. | Impact on Critical Environmental Areas | N/A |
| | • The Town of Lancaster has not established a Critical Environmental Area (CEA). | |
| 5. | Impact on Transportation | No impact. |
| 6. | Impact on energy | No impact. |
| 7. | A. Impact on water supply | No impact. |
| | B. Impact on wastewater treatment | No impact. |
| 8. | Impact on historic, archeological, architectural or aesthetic resources | No Impact. |
| 9. | Impact on natural resources | No impact. |

- | | | |
|------------|---|-------------------|
| 10. | Impact on erosion, flooding or drainage | No impact. |
| 11. | Hazard to environmental resources or human health | No impact. |

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster held a public hearing on May 16, 2022, pursuant to Chapter 400-Zoning, Article XIV. Administration and Enforcement, §50-78 of the Code of the Town Lancaster, upon the application of Anderson’s Frozen Custard by Keith Anderson for a Special Use Permit to allow Anderson’s Frozen Custard to operate an indoor dining area, an outdoor dining area and a food service drive-thru on premises located at 4855 Transit Road, in the Town of Lancaster, Erie County, New York, and

WHEREAS, by letter dated October 26, 2022, Town of Lancaster Senior Code Enforcement Officer Matthew Fischione recommended issuance of a special use permit for a period of one (1) year, with conditions.

**NOW, THEREFORE,
BE IT RESOLVED,**

1. That pursuant to Chapter 400-Zoning, Article V. Commercial Districts, §400-18 General Commercial (B)(1)(a) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Anderson’s Frozen Custard** to operate an indoor dining area, an outdoor dining area and a food service drive-thru on premises located at 4855 Transit Road, in the Town of Lancaster, Erie County, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period April 4, 2023 through April 3, 2024.

2. That the applicant will continue in compliance with conditions as set forth Special use permits, of §400-18 General Commercial (B)(1)(a) of the Code of the Town of Lancaster as long as the applicant continues to engage in said business, and to any additional conditions listed herein, namely:

- A. Permit must be renewed every one (1) year at no additional cost to applicant. Renewal request is considered upon the property owner submitting an application to the Town Clerk, on or before April 3, 2024.
- B. Applicant will authorize representatives from the Building Inspector’s Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- C. Applicant will provide proof of a valid New York State Business License and valid permitting from the appropriate regulatory agency for the service being provided.
- D. No amplified sound to be transmitted to the outside dining area (including music and sporting events).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Lancaster Garden Club (“The Club”) has requested to use the Town of Lancaster Senior Center’s parking lot for their plant and garden décor fundraiser which will be held on June 3, 2023 from 10:00 AM until 5:00 PM, with set up to begin at 8:00 AM and clean-up completed by no later than 5:00 PM, and

WHEREAS, the Town Attorney’s Office has prepared a Release of Liability and Assumption of Risk which provides the terms and conditions for use of the Senior Center’s parking lot and which the Club has executed and submitted with the required proof of liability insurance in advance of the event taking place.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby grants the Lancaster Garden Club permission to use the Senior Center’s parking lot located at 100 Oxford Avenue for their plant and garden décor fundraiser which will be held on June 3, 2023 from 10:00 AM until 5:00 PM, with set up to begin at 8:00 AM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

April 3, 2023

PREFILED RESOLUTION NO. 20 – MEETING OF 4/3/2023

20. Leary/_____Appoint Andrew Streit Member, Industrial Development Agency

At the request of Council Member Leary, this resolution was tabled for further study.

COMMUNICATIONS & REPORTS

- 185. Town Clerk to Code Enforcement Officer –
Copy of letter from Irina Los requesting renewal of their Special Use Permit for a three (3) bay truck and repair shop and small office at 1035 Ransom Road.
Disposition = Resolution 4/3/23**
- 186. Dr. Timothy Chevral to Council Member Leary –
Comments and concerns regarding noise in the Valley Overlook Subdivision from the Speedway and request for noise barriers.
Disposition = Received & Filed**
- 187. Lancaster Village Clerk to Town Clerk –
Notice for viewing by general public regarding village election on Tuesday, March 21, 2023. Disposition = Received & Filed**
- 188. Town Clerk to Code Enforcement Officer –
Copy of letter from Ari Goldberg, Barclay Damon LLP representing AC Power 14 requesting renewal of their Special Use permit to install two (2) co-located Ballasted Community Solar PV facilities on two parcels on Gunnville Road.
Disposition = Resolution 4/3/23**
- 189. Code Enforcement Officer to Town Board –
Recommend approval of renewal of a Special Use Permit for Autowave Inc., 1035 Ransom Rd. with original conditions. Disposition = Resolution 4/3/23**
- 190. Donna Brehm to Town Board –
Request for a traffic sign to slow traffic down on Country Place in the Countryside Subdivision. Disposition = Received & Filed**
- 191. Code Enforcement Officer to Town Board –
Recommend issuance of a 6-month probationary license for Ransom Auto Parts, Inc., 867 Ransom Road to bring the Salvage Yard into compliance; conditions listed. Disposition = Resolution 4/3/23**
- 192. Code Enforcement Officer to Town Board –
Recommend approval of renewal of a Special Use Permit for A/C Power 14, LLC, 53 & 55 Gunnville Rd. Disposition = Resolution 4/3/23**
- 193. Thomas Ferry to Town Clerk –
Request for sidewalk waiver for 170 Nichter Road, Sublot 6 of the Lorall Lake Development. Disposition = Received & Filed**
- 194. Town Clerk to Code Enforcement Officer –
Special Use Application for 515 Pavement Road Suite #12.
Disposition = For Resolution**
- 195. Code Enforcement Officer to Town Clerk –
Application for a Special Use Permit for Back Home and Yard Services, LLC, 515 Pavement Rd., Ste. 12 is compliant with design standards.
Disposition = For Resolution**
- 196. Code Enforcement Officer to Town Board –
Request for legal action to be taken regarding repair or administering repair at the expense of the landowner at 00 Pleasant View Dr., National Fuel Easement/ Cross Creek. Disposition = Town Attorney**
- 197. Twin District Fire Company to Town Clerk –
Change in roster. Disposition = Resolution 4/3/23**

- 198. Planning Board Chair to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent and Building Inspector –
Draft copy of minutes from March 15, 2023 Planning Board Meeting.
Disposition = Received & Filed**
- 199. Administrative Captain Jonathan Ziders to Town Board –
Request for resolution authorizing the purchase of five (5) new 2023 Dodge Charger Pursuit AWD's. Disposition = For Resolution**
- 200. Gina Roth to Town Board –
Request to be considered for the Lancaster Industrial Development Agency Board. Disposition = Received & Filed**
- 201. Andrew Streit to Town Board –
Request to be considered for the Lancaster Industrial Development Agency Board. Disposition = Received & Filed**
- 202. Paul Nosbisch to Town Board –
Request to be considered for the Lancaster Industrial Development Agency Board. Disposition = Received & Filed**
- 203. National Fuel Engineering Services to Supervisor –
Information regarding Highway & Municipal Construction Projects for 2023-24 in the Town of Lancaster. Disposition = Received & Filed**
- 204. Town Attorney to Town Clerk –
Memo of Notice of Determination: Negative Declaration regarding Autopia. LLC, 6218 Broadway. Disposition = Received & Filed**

ADJOURNMENT:

MOTION WAS MADE BY COUNCIL MEMBER MAZUR AND SECONDED BY COUNCIL MEMBER LEARY AND CARRIED, to adjourn the meeting in memory of Isabelle Egan, Joseph Foyle, Burt Lyon, Donald Ventura and Richard Vienne at 8:38 P.M.

ALL IN FAVOR, MOTION CARRIED, MEETING ADJOURNED.

April 3, 2023

Signed_____

Diane M. Terranova, Town Clerk